

IRA DANIEL TOKAYER, ESQ. (IT-4734)  
Attorney for Defendant  
42 West 38<sup>th</sup> Street, Suite 802  
New York, New York 10018  
(212) 695-5250

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CERVECERIA MODELO, S.A. DE C.V. : 07 CV 7998 (HB)  
and MARCUS MODELO S.A. DE C.V., :

Plaintiffs, :

-against- :

DECLARATION IN OPPOSITION

USPA ACCESSORIES LLC d/b/a :  
CONCEPT ONE ACCESSORIES, :

Defendant. :

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IRA DANIEL TOKAYER, an attorney admitted to practice  
law in the State of New York, under penalty of perjury, affirms  
and says:

1. I am the attorney for defendant and I submit this  
Affirmation in opposition to plaintiffs' motion in limine. The  
motion should be denied for the reasons set forth more fully in  
the accompanying Memorandum of Law. I am fully familiar with the  
matters set forth herein.

2. Exhibit A is a copy of the License Agreement  
between Procermex Inc. and Concept One Accessories, dated as of  
March 15, 2004.

3. Exhibit B is a copy of a letter, dated December  
12, 2006, from Juan Fernandez to Bernie Hafif.

4. Exhibit C are depositions excerpts.

5. Exhibit D are copies of internal Modelo documents produced by plaintiffs in this action.

6. Exhibit E are copies of emails between the parties.

7. Exhibit F are additional depositions excerpts.

8. Exhibit G are copies of royalty reports and other royalty information.

9. Exhibit H are designs of styles of bags approved at some level by representatives of Modelo.

10. Exhibit I are additional depositions excerpts.

11. Exhibit J is a copy of the Second Amended Answer and Counterclaim and Jury Demand.

WHEREFORE, for the reasons set forth more fully in the accompanying Memorandum of Law, it is respectfully submitted that defendant's motion be denied in its entirety.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11<sup>th</sup> day of August, 2008, in New York,  
New York.

\_\_\_\_\_/s/\_\_\_\_\_  
IRA DANIEL TOKAYER